

USDC SDNY
WESLEY M. MULLEN
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MULLEN P.C.
THE METLIFE BUILDING
200 PARK AVENUE SUITE 1700
NEW YORK, NY 10166

November 13, 2019
SO ORDERED

Hon. George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

NOV 12 2019

VIA CM/ECF

Re: Cheng v. Olzem et al., No. 1:19-cv-06128-GBD

Your Honor,

I represent the Plaintiff in this action for copyright infringement. Defendants have not yet been served. I write with two requests.

First, Plaintiff requests that the initial pretrial conference set for November 14, 2019, (see IPTC Order (ECF Doc. No. 11)), be adjourned for at least 60 days to permit service of process upon the Defendants.

Second, pursuant to Fed. R. Civ. P. 4(m), Plaintiff requests that the time to serve the Defendants be extended to February 1, 2020. See Murray v. Pataki, 378 F. App'x 50, 52 (2d Cir. 2010) ("District courts ... have discretion to enlarge the ... period [for service] even in the absence of good cause."). Here, good cause exists for the extension because Plaintiff has made diligent attempts at service.

On July 9, 2019, Plaintiff sent to each Defendant a request for waiver of service, pursuant to Fed. R. Civ. P. 4(d)(1), at the corporate Defendant's registered address for service of process on file with the Florida Secretary of State, which Plaintiff also believed to be Defendant Olzem's residential address. (ECF Docs. Nos. 13-14.) Defendants did not respond.

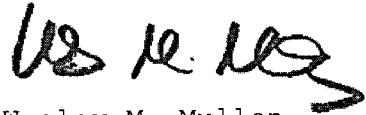
Plaintiff's agent for service subsequently made multiple attempts at personal service upon the Defendants at the same address. On or about September 10, 2019, the agent was informed by the current occupant that Ms. Olzem is a former tenant of that address.

Plaintiff will now attempt service upon both Defendants at a new address recently listed on the website of the corporate Defendant. Failing such service, Plaintiff will

The November 14, 2019 status conference is adjourned to January 23, 2020 at 9:30 a.m. Plaintiffs time to serve the defendants is extended to February 1, 2020
HON. GEORGE B. DANIELS

make substitute service upon the LLC via the Florida
Secretary of State.

Respectfully,



Wesley M. Mullen